

September 27, 2006

Mr. David R. Campbell, MA, CRC
Workers' Compensation Agency
P.O. Box 30016
Lansing, MI 48909

Dear Mr. Campbell:

The Ethics Committee of the Commission on Rehabilitation Counselor Certification (CRCC) has had an opportunity to review your correspondence concerning a request for an advisory opinion.

The Ethics Committee of the CRCC provides advisory opinions on selected situations having ethical implications. These advisory opinions are provided as a general educational service and are rendered in response to limited and unverified information provided to the Committee. Therefore, it should not be construed as direct advice regarding the unique or specific ethical or legal action recommendations that should be followed regarding the issues raised. The considerations described by the Committee's advisory opinion should be regarded only as general educational assistance and not as specific direction in any particular instance.

Your request addressed two dilemmas with the first pertaining to a CRC being requested to perform labor market surveys as case consultants only, with or without the opportunity to meet with the client, and to provide this information to the insurance company and/or defense attorney. You questioned whether the CRC has an ethical obligation to provide a copy of the labor market survey to the client if requested by the client. The Committee responded that there is no ethical obligation to provide the report to the client but that since the referral source receives a copy, the client or client's attorney may be directed to request a copy from the referral source. If given the opportunity to speak with the client, such information may be provided as part of the professional disclosure process. The second dilemma pertained to a situation when the CRC is unable to meet with the client before completing the labor market survey and once the survey is completed to follow up on potential job leads identified in the survey, using the client's name without a release to do so, to determine if the client has made contact with any of the leads. The Committee responded that such action would constitute a violation of confidentiality and would also be inconsistent with the scope of practice of a CRC.

Standards in the Code effective January 1, 2002 that apply to this situation include A.3.c., B.1.a., F.12. They read as follows:

A.3. CLIENT RIGHTS

- c. INDIRECT SERVICE PROVISION.** Rehabilitation counselors who are employed by third parties as case consultants or expert witnesses, and who engage in communication with the individual with a disability, will fully disclose to the individual with a disability and/or his or her designee their role and limits of their relationship. Communication includes all forms of written or oral interactions regardless of the type of communication tool used. When there is no pretense or intent to provide rehabilitation counseling services directly to the individual with a disability, and where there will be no communication, disclosure by the rehabilitation counselor is not required. When serving as case consultants or expert witnesses, rehabilitation counselors will provide unbiased, objective opinions. Rehabilitation counselors acting as expert witnesses will generate written documentation, either in the form of case notes or a report, as to their involvement and/or conclusions.

B.1. RIGHT TO PRIVACY

- a. RESPECT FOR PRIVACY.** Rehabilitation counselors will respect clients' rights to privacy and will avoid illegal and unwarranted disclosures of confidential information.

F.12. FORENSIC EVALUATION

When providing forensic evaluations, the primary obligation of rehabilitation counselors will be to produce objective findings that can be substantiated based on information and techniques appropriate to the evaluation, which may include examination of the individual with a disability and/or review of records. Rehabilitation counselors will define the limits of their reports or testimony, especially when an examination of the individual with a disability has not been conducted.

Thank you for your continued support of the certification process through the promotion of ethical practice.

Very truly yours,

A handwritten signature in cursive script that reads "Cindy A. Chapman". To the right of the signature, there are two small, handwritten initials "ss".

Cindy A. Chapman
Executive Director

CAC/ss